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July 20, 2018

VIA ECF

Hon. Richard J. Sullivan
U.S. District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: Griffin, et al. v. Sheeran, et al., 17-cv-5221 (RJS)

Dear Judge Sullivan:

We are counsel to the Defendants and write in anticipation of Defendants' forthcoming motion for summary judgment (due to be filed with the Court on July 27, 2018), to request leave: (a) to file a Declaration from Dr. Lawrence Ferrara, the expert musicologist of Defendants, that is up to twenty-five double-spaced pages in length, (b) to file up to twenty exhibits (c) to file certain exhibits that exceed fifteen pages and (d) to file a memorandum of law that is up to thirty pages.

In regard to the Declaration of Dr. Ferrara, Defendants seek leave to file a Declaration up to twenty-five pages to allow Dr. Ferrara to reasonably illuminate the objective musical differences between the two works in a complete manner and because Dr. Ferrara may include musical transcriptions and graphic illustrations in his Declaration, which take up more space than basic text.

In regard to the Exhibits, almost all of the Exhibits that Defendants intend to file are less than fifteen pages in length or they exceed fifteen pages by only several pages. The one exception is the expert musicologist report of Dr. Ferrara, which Defendants wish to put before the Court for the sake of completeness, and so that the Court can reference the report if it so chooses.

In regard to the memorandum of law, we will endeavor to file a memorandum of law that is twenty-five pages or less in length, but we make this request in an abundance of caution.

Respectfully submitted,

Ilene S. Farkas